



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Horwarth et al.

Serial No.: 09/496,249

Filed: February 2, 2000

Title: APPARATUS AND METHOD FOR MONITORING  
ALIGNMENT OF A CNC MACHINE SPINDLE  
TRUNNION AXIS A

Art Unit: 2859

Examiner: Travis M. Reis

In reply to: Advisory Action Dated January 30, 2004

**CERTIFICATE OF MAILING**

Date of Deposit with U.S. Postal Service: 4/8/04.

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Kristina Black*  
Kristina Black

**ADDITIONAL SHEETS CONTAINING STATEMENTS  
ESTABLISHING UNINTENTIONAL DELAY**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. The applicant in this case is UNOVA IP Corp., a corporation of the State of Delaware.
2. The Patent Office issued a Final Office Action in this case on August 27, 2003.
3. Attorney for Applicant Daniel C. Stelter (Stelter) effective December 31, 2003, left the employment of Applicant and Stelter's entire patent and trademark docket has been assigned to the Undersigned attorney Brian L. Ribando (Ribando) who now represents Applicant before the United States Patent and Trademark Office.
4. In order to transition the UNOVA IP Corp. patent docket to Ribando, Stelter sent several cases including the instant abandoned application, to Ribando in early December.
5. Ribando prepared and filed an amendment in the instant abandoned application on December 24, 2003, prior to the expiration of the fourth month following the Final Rejection of August 27, 2003.

6. Ribando did not obtain a Power of Attorney in the case prior to filing the amendment, and relied on the provisions of 37 CFR 1.34(a) in representing applicant UNOVA IP Corp.
7. The United States Patent & Trademark Office sent an Advisory Action dated January 30, 2004 to Stelter's former office in Hebron, Kentucky.
8. The Advisory Action was forwarded to Ribandos' office but it was not received by Ribando's office until after the six month period for response to the Final Office Action of August 27, 2003 had expired.
9. Upon conferring with Applicant and determining that Applicant desires to continue to pursue patent protection for the invention disclosed and claimed in this case, attorney for Applicant Ribando now files the attached PETITION FOR REVIVAL OF AN APPLICATION FOR A PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b), and states that the entire delay was unintentional for the facts set forth herein.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.



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Date: April 1, 2004